

ATTORNEY DOCKET NO. 16178.0001U1

APPLICATION NO. 09/922,753

Page 2 of 4

REMARKS

Claims 1-5, 8-18, 60, 63, and 64 remain pending in the present application to Freisztat et al. (hereinafter Application). Claims 1-5, 8-11, 13-18, 60, 63, and 64 of the present application stand rejected under 35 U.S.C. § 103(a) as being obvious over Szlam et al. (U.S. Patent Application No. US 2002/0047859) (hereinafter Szlam) in view of Beck et al. (U.S. Patent No. 6,170,011 B1) (hereinafter Beck). Claim 12 stands rejected under § 103(a) as obvious over Szlam in view of Beck and further in view of England (U.S. Patent No. 6,144,991) (hereinafter England). In light of the arguments below, applicants respectfully traverse the rejections and request reconsideration and allowance of the pending claims.

The undersigned patent attorney sincerely appreciates the time spent by Examiner Laneau during a telephonic interview (hereinafter Interview) conducted on March 22, 2005. The Interview proved to be very helpful in resolving issues with respect to the present claims.

During the Interview, the undersigned and Examiner Laneau discussed the pending claims in light of the prior art. Independent claims 1, 60, 63, and 64 were discussed with respect to the primary reference to Szlam. Specifically, the *matching, independent from the plurality of enterprises*, and *sales associate* limitations of the independent claims were discussed. At the conclusion of the Interview, Examiner Laneau agreed that Szlam does not disclose the discussed limitations. Therefore, Applicants respectfully request that the independent claims and their dependent claims be allowed for at least the reason that the primary reference to Szlam does not disclose the *matching, independent from the plurality of enterprises*, and *sales associate* limitations.

Independent Claims 1, 60, 63, and 64

The Examiner in the Office Action rejected independent claims 1, 60, 63, and 64 as obvious under § 103(a), applying Szlam in view of Beck. See Office Action, page 2. To support a rejection of the independent claims as obvious, the Examiner stated that Szlam disclosed "*Matching* the customer with the sales associate . . . (Fig. 7; [0073]-[0074])." (Emphasis added).

The Applicants respectfully assert, in accordance with the Interview, that Szlam does not disclose *matching* a customer to a *particular* sales associate based on any *matching*

266889

ATTORNEY DOCKET NO. 16178.0001U1
APPLICATION NO. 09/922,753
Page 3 of 4

criteria. See Application, page 10, line 6 to page 13, line 3. In contrast, the references from Szlam refer to determining if a CSR is *available* to help a customer, not whether *a particular* sales associate *matching criteria* relevant to the customer is available.

In the Office Action, the Examiner also rejected the independent claims as obvious over Szlam in view of Beck by stating that Szlam disclosed “. . . the sales associate being *independent from the plurality of enterprises* (Fig. 7; [0073]-[0074]).” (Emphasis added).

The Applicants respectfully assert, in accordance with the Interview, that Szlam fails to disclose sales associates which are *independent from the plurality of enterprises*, where, in the Background Section of Szlam, a customer service representative (CSR) is described as being associated with “the company”. See Szlam, 0004.

Each independent claim of the Application also contains a *sales associate* limitation, which is an important limitation independently as well as integral to the *matching* and *independent from the plurality of enterprises* limitations. Applicants respectfully assert, in accordance with the Interview, that Szlam does not disclose the *sales associate* limitation of the independent claims, but rather discloses CSRs who provide *help* to users having problems such as incorrectly filling out online forms. See Szlam, 0012.

In view of the above arguments and the Interview, the Applicants respectfully assert that Szlam fails to teach or disclose at least the *matching, independent from the plurality of enterprises*, and *sales associate* limitations of independent claims 1, 60, 63, and 64 of the Application. Thus, the prima facie case of obviousness has not been shown for at least the reason that the cited references do not teach or suggest every limitation of the independent claims. The Applicants therefore respectfully assert that the independent claims are nonobvious over Szlam in view of Beck, and request reconsideration and allowance of the independent claims.

Dependent Claims 2-5 and 8-18

Dependent claims 2-5, 8-11, and 13-18 of the Application stand rejected under 35 U.S.C. § 103(a) as being obvious over Szlam in view of Beck. Dependent claim 12 stands rejected as obvious over Szlam in view of Beck and further in view of England. Applicants

266889

ATTORNEY DOCKET NO. 16178.0001U1
APPLICATION NO. 09/922,753
Page 4 of 4

respectfully assert that dependent claims 2-5 and 8-18 are allowable for at least the reason they each depend directly or indirectly from an allowable independent claim.

CONCLUSION

In view of the arguments and in light of the Interview, each of the presently pending claims in the Application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass the application to issue. If the Examiner believes discussion of any issue would expedite examination, the Examiner is encouraged to telephone Applicants' undersigned representative.

A Credit Card Payment Authorization Form PTO-2038 authorizing payment of the fee of \$905.00 (\$395.00 for the RCE filing fee under 37 C.F.R. § 1.114, and \$510.00 for a three-month extension of time under 37 C.F.R. § 1.17) is enclosed. This amount is believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Gregory J. Kirsch
Registration No. 35,572

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

266889